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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,380	01/22/2001	Fumio Nagashima	1080.1045CIPD3	1046

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EXAMINER

KHATRI, ANIL

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 05/14/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.
09/765,380

Applicant(s)
Nagashima et al.

Examiner
Anil Khatri

Art Unit
2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 22, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 53-55 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 53-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 2122

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
2. The following title is suggested: "Method For Storing Software Objects From Existing Software Components".

Claim Rejections - 35 U.S.C. § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 53-55 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: As per claimed subject matter recites "storing a component" which includes a method. It is unclear that how a method has been stored and in what component/object each method will carry out the instructions stored on storage medium for existing software. Furthermore, "method of issuing an event" is vague and indefinite, since the subject matter lacks actual step for said method(s) to establish any relationship in said method and objects.

Art Unit: 2122

Claim Rejections - 35 U.S.C. § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claim 53-55 are rejected under 35 U.S.C. 101 because they disclose storing component serving as an object does not produce any concrete results.

7. Analysis: In claims 53-55 the invention found to be in technical art since the invention is to be practice on a computer. Each of the claim is disclosed by an application as being storing medium. Since the claims are each a series of step to be performed on a computer the processes must be analyzed to determine whether they are statutory under 35 U.S.C. 101.

Examiner interpret that claims are non-statutory because they are not new and useful. Specifically, the claimed subject matter “component storage medium for components” are not new and does not produce any concrete and tangible results. Applicant present no substance upon which the claimed inventions acts and on this basis examiner interprets that applicants invention to produce a useful results and its functionality can be realized. Therefore, claims 53-55 are rejected under 35 U.S.C. 101.

Claim Rejections - 35 U.S.C. § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2122

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 53-55 are rejected under 35 U.S.C. 102(b) as being anticipated by *Shackelford et al* US Patent no. 5,265,206.

Regarding claim 53

Shackelford et al teaches,

- storage for a component which serve as an object in combination with existing software component including a method of issuing an event of the existing software in response to a message issued in another object (see abstract and figures 3 and 4).

Regarding claim 54

Shackelford et al teaches,

- component further includes a message for informing other object that the event is issued through executing method (column 2, lines 1-18, “ the method corresponds... message call”).

Regarding claim 55

Shackelford et al teaches,

- a component which serve as one object in combination with existing software component including a message for informing other objects upon receipt of occurrence of an event of the existing software that the event is generated (see abstract and figures 3 and 4, column 20, lines 34-65, “object manager....class if not loaded”).

Art Unit: 2122

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


- Arnold et al US Patent no. 5,551,035
- Misheski et al US Patent no. 6,298,476
- Jung et al US Patent no. 6,330,527
- Dellinger et al US Patent no. 6,292,925

Correspondence Information

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil Khatri whose telephone number is (703) 305-0282, Mon-Fri (8:30 a.m.-5:00 p.m.) or contact Supervisor Mr. Gregory Morse at (703) 308-4789.

12. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose phone number is (703) 305-3900.

May 9, 2002


Anil Khatri, Ph.D.
Patent Examiner
Art Unit 2122